IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HARVEY C. ROUPE, JR.,	)	
	)	
Plaintiff,	)	
	)	**2:05cv949**
v.	)	**Electronic Filing**
	)	
COUNTY OF WESTMORELAND,	)	Judge Cercone
WESTMORELAND COUNTY	)	Magistrate Judge Caiazza
PRISON, a subdivision of the County	)	
of Westmoreland, MICHAEL	)	
MILLWARD, Former Warden of	)	
Westmoreland County Prison,	)	
CORNELL CORRECTIONS, INC.,	)	
and WILLIAM NICHOLSON,	)	
Medical Supervisor for Cornell	)	
Corrections, Inc.,	)	
	)	
Defendants.	)	

MEMORANDUM ORDER

The Plaintiff's complaint was received by the Clerk of Court on July 11, 2005, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation filed on January 25, 2006, (Document No. 28) recommended that the Defendants' Motions to Dismiss (Document Nos. 6, 9, and 13) be denied.

The parties were allowed ten days from the date of service to file objections. No objections have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this **23**rd day of February, 2006,

IT IS HEREBY ORDERED that the Defendants' Motions to Dismiss (Document Nos. 6, 9, and 13) are DENIED.

The Report and Recommendation of Magistrate Judge Caiazza dated January 25, 2006, is adopted as the opinion of the court.

_____
David Stewart Cercone
United States District Judge

cc: Honorable Francis X. Caiazza
       United States Magistrate Judge

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